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9 and Helen R. Ross

FILED
SEP 22 1994
MAXINE MADISON, COUNTY CLERK
BY DEPUTY

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF MODOC

12 CASE NO. 6395

13 IN THE MATTER OF THE
14 DETERMINATION OF THE RIGHTS
15 OF THE VARIOUS CLAIMANTS TO
16 THE WATER OF PIT RIVER STREAM
17 SYSTEM BETWEEN CANBY BRIDGE
18 AND MUCH VALLEY GAGE, EXCEPT
19 ASH CREEK, IN MODOC AND
20 LASSEN COUNTIES, CALIFORNIA

ORDER OF
MODIFICATION OF DECREE

[APPLICABLE TO SUCCESSORS IN
INTEREST OF MORGAN RANCH
COMPANY, INC., and ROBERT
RALSTON ROSS AND HELEN R.
ROSS ONLY]

21 A stipulation for modification of the Decree dated February
22 17, 1959 in the above entitled action having been entered into
23 by and between petitioners, Robert Ralston Ross and Helen R.
24 Ross, as successors in interest to 55 acres of the 508 acres of
25 the Hines Ranch described in Schedule 1 of the Decree, and by
26 the Morgan Ranch Company, Inc., a California corporation,
27 successor in interest to 255 acres out of the 508 acres of the
28 Hines Ranch described in Schedule 1 of the Decree, and
29 it appearing to the court that good cause exists for
30 transferring a portion of the 7.26 acre feet allocated to the
31 Hines Ranch from the property subject to the Decree now owned by
32 Morgan Ranch Company, Inc. to 460 acres now owned by
33 petitioners, Robert Ralston Ross and Helen R. Ross;

34 IT IS ORDERED, ADJUDGED AND DECREED that the rights in and
35 to the use of water of the Pit River Stream System in Big Valley
36 as set forth in the Decree dated February 17, 1959, shall be
modified as follows:

1. Of the 508 acres shown on Schedule 1 of the Decree at pages 31 and 32 belonging to George W. Hines, Marvin A. Hines and Mason Hines, to which water from the Pit River is allocated, Robert Ralston Ross and Helen R. Ross are the successors in interest to and holds title to 55 acres, and Morgan Ranch Company, Inc. is successor in interest to and holds title to 255 acres.

The balance of 198 acres is confirmed as owned by Gary L. Monchamp, Donald J. Monchamp and Robert J. Monchamp as successors in interest to the real property acquired by the Monchamp Corporation by Deed dated November 3, 1987 and recorded November 12, 1987 in Book 340 at Page 348, Official Records of Modoc County.

2. Of the 7.26 cubic feet per second (cfs) second priority allotment to the 508 acres of the Hines Ranch property set forth on page 59 of the Decree, 2.83 cfs is confirmed to the 198 acres of Monchamp property located within the 508 acres, 2.40 cfs shall be allotted to 255 acres of Morgan Ranch Company, Inc. property located within the 508 acres, and 2.03 cfs shall be allotted to the 55 acres of Ross property located within the 508 acres and 405 contiguous acres of Ross property (formerly a portion of the Hines Ranch) lying east of Modoc County Road 91 and described in that certain Grant Deed recorded April 3, 1985 in Book 315 at Page 277, Official Records of Modoc County.

3. The boundaries of the adjudicated property set forth in Schedule 1 of the Decree at pages 31 and 32 describing the Hines Ranch property are amended to include the NW 1/4 of Section 25, the N 1/2 of the NE 1/4 of Section 25 and the S 1/2 of the SE 1/4 of Section 24, T40N, R7E, MDB&M, owned by Robert Ralston Ross and Helen R. Ross to which the 2.03 cfs out of the 7.26 cfs second priority allotment may be applied.

4. The Morgan Ranch Company, Inc. property from which 1.24 cfs is being transferred to the Ross property, is described in that certain deed recorded September 29, 1986 in Book 329 at page 124, Official Records of Modoc County, as follows:

Township 40 North, Range 7 East, M.D.B. & M.

Section 26: NE 1/4 EXCEPTING THEREFROM, that portion of the NE 1/4 lying Easterly of the center line of the Pit River.

Section 35: That portion of the SW 1/4 of SE 1/4 lying West of the center line of the Pit River.

Township 39 North, Range 7 East, M.D.B. & M.

Section 2: That portion of Lot 2 lying West of the centerline of the Pit River.

Township 40 North, Range 7 East. M.D.B. & M.

Section 26: W 1/2 of SE 1/4, SW 1/4 EXCEPTING THEREFROM that portion of the W 1/2 of the SE 1/4 lying East of the center of the Slough.

5. The Morgan Ranch Company, Inc. property from which 1.24 cfs is being transferred to the Ross property is that portion of the property described in the Decree at pages 31 and 32 as a portion of the George W. Hines, Marvin A. Hines and Mason Hines property as follows:

Page 31, Line 21: (Portion of)¹ 40 acres in NW 1/4 NE 1/4 of Section 2, T39N, R7E, *40 acres* MDB&M (lying west of centerline *35 by lands* of the Pit River)

Page 31, Line 22: (Portion of) 40 acres in NE 1/4 NE 1/4 *40 acres* of Section 26, T40N, R7E, MDB&M (lying *22 by lands* west of centerline of the Pit River)

Page 31, Line 22.5: (Portion of) 40 acres in SE 1/4 NE 1/4 *40 ac* of Section 26, T40N, R7E, MDB&M (lying *14 by lands* west of the Pit River)

Page 31, Line 23: 35 acres in SW 1/4 NE 1/4 of Section *35 ac* 26, T40N, R7E, MDB&M *35 by lands*

Page 31, Line 24: (Portion of) 40 acres in SW 1/4 SE 1/4 *40 ac* of Section 26, T40N, R7E, MDB&M (lying *4 by lands* west of center of slough)

¹Italics delineate clarifying description of property subject to the transfer of 1.24 cfs from Morgan to Ross.

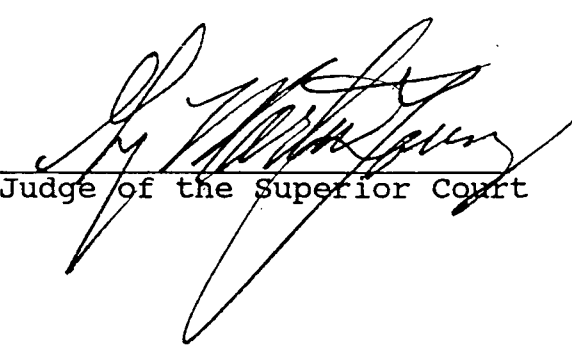
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Page 31, Line 24.5: (Portion of) 40 acres in NW 1/4 SE 1/4
of Section 26, T40N, R7E, MDB&M (lying
west of center of slough)
40 acres
30 lands

Page 32, Line 4: 40 acres in NE 1/4 SW 1/4 of Section
26, T40N, R7E, MDB&M
40 acres
40 lands

Page 32, Line 4.5: 40 acres in SE 1/4 SW 1/4 of Section
26, T40N, R7E, MDB&M
40 acres
40 lands

Page 32, Line 5.5: (Portion of) 40 acres in SW 1/4 SE 1/4
of Section 35, T40N, R7E, MDB&M (lying
west of centerline of Pit River)
40 acres
20 lands

Dated: Sept 22, 1994 
Judge of the Superior Court

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PROOF OF SERVICE

I am a citizen of the United States and employed in Shasta County, California. I am over the age of eighteen years and not a party to the within action. My business address is 292 Hemsted Drive, P.O. Box 991828, Redding, California 96099-1828. On this date I served the following document(s):

[PROPOSED]
ORDER OF MODIFICATION OF DECREE

XX by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mailbox at Redding, California, addressed as set forth below.

_____ by personally delivering a true copy thereof to the person and at the address set forth below.

William H. Baber, Esq.
Minasian, Minasian, Minasian,
Spruance, Baber, Meith & Soares
P.O. Box 1679
Oroville, CA 95965-1679

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 20, 1994, at Redding, California.

Alice L. Carpenter
ALICE L. CARPENTER